

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO  
PROPOSED AND INITIATED BY \_\_\_\_\_  
MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,  
AMENDING SUB-SECTION (k) OF SECTION 1-406 AND  
ADDING SECTION 8-404 AND SUBSECTION (b) TO  
SECTION 8-409 TO THE FRESNO MUNICIPAL CODE  
RELATED TO THE REGULATION OF CITY SKATEBOARD  
PARKS.

THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS  
FOLLOWS:

SECTION 1. This ordinance is declared to be necessary as an emergency measure for preserving the public peace, health and safety, and shall take effect immediately. The following is a statement of facts showing its urgency: since the Lions Skateboard Park ("the Park") was opened on December 21, 2002, the Fresno Police Department has experienced a sudden and sharp increase in calls for service at the Park; staff of the Fresno Police Department and the Parks Department have received reports and/or witnessed individuals: using the Park in violation of posted notices, using the Park without safety equipment, using the Park for bicycling or operating a scooter, drinking alcohol in the Park, defacing and or destroying City property, using the Park after hours of operation, fighting at the Park.

SECTION 2. Sub-section (k) of Section 1-406 is amended to read:

(k) Authority to Issue Administrative Citation: The following officers and employees have the authority to issue administrative citations and civil penalties: City Manager, Director of Administrative Services, Director of ~~Housing and Neighborhood Revitalization~~[Housing, Economic and Community Development], Director of [Planning and ]Development, Director of Public Utilities, Public Works Director, Police Chief and Fire

Chief, [Director of Parks and Recreation,] and any of their agents or representatives.

SECTION 3. Section 8-404 is added to the Fresno Municipal Code to read:

Section 8-404. SKATEBOARD PARK REGULATIONS: This section is intended to comply with Section 115800 of the Health and Safety Code and adopt supplemental regulations for the safe use of city-owned and/or operated skateboard parks, facilities, or structures. The following requirements shall apply to all parks, facilities, and structures owned, operated, maintained, and/or provided by the city for the use of skateboarders and inline skaters:

(a) Safety Equipment. No person shall use a city skateboard park, facility or structure without wearing elbow pads, knee pads, wrist pads and a helmet that meets the standards of either the American Society for Testing and Materials (ASTM) or the United States Consumer Product Safety Commission (CPSC) or standards established by these entities subsequent to the adoption of this section.

(b) Skateboards and Inline Skates. No person shall be in or on the skateboard park, facility, or structure except those who are using skateboards or inline skates to practice skateboarding or inline skating.

(c) Food and Beverages. No person shall cause any food or beverage or food or beverage container to enter or be on a skateboard park, facility, or structure.

(d) Hours of Operation. No person shall use, enter, or be on a skateboard park, facility, or structure outside of the hours of operation posted on the skateboard park, facility, or structure.

(e) Occupancy. No person shall use, enter, be on or remain on a skateboard park, facility, or structure after the Director has notified them that they need to leave the skateboard park, facility or structure on the basis of an unsafe occupancy of the skateboard park, facility or structure.

(f) Ingress and Egress. No person shall enter or exit a skateboard park, facility, or structure by any means other than by walking through a gate, turnstile, door, or other means provided and intended by the city for ingress or egress into the skateboard park or facility.

(g) Rules and Regulations. No person at, in or on any skateboard park, facility or structure shall violate any rule or regulation developed and adopted by the Director and posted on signs at the skateboard park or facility or any other applicable regulation provided in this article.

(h) Fines and Penalties. Notwithstanding any contrary provisions of this article, any person violating subsections (a) through (f) is subject to an administrative fine of fifty dollars (\$50) for the first violation, one-hundred dollars (\$100) for the second violation, and two-hundred dollars (\$200) for the third and all subsequent violations. Alternatively, violations of this section may be prosecuted by the City Attorney's Office as an infraction, with a maximum penalty of fifty dollars (\$50) for the first violation, one-hundred dollars (\$100) for the second violation, and two-hundred (\$200) dollars for the third and all subsequent violations. In addition to an administrative fine of two-hundred dollars (\$200) for a third or subsequent violation, the Director may determine that a violator has forfeited to the city

his or her skateboard, inline skates, bicycle, and/or scooter and the Director may permanently bar the violator from using any or all of the city's skateboard parks, facilities, or structures.

(i) Parent and Guardian Responsibility. The parent or legal guardian having control or custody of an un-emancipated minor whose conduct violates this section shall be jointly and severally liable with the minor for the amount of an administrative fine imposed pursuant to this section.

(j) Appeals. Fines and penalties issued under this section shall be appealable to the City Administrative Hearing Officer under Chapter 1, Article 5. In any appeal held by the City Administrative Hearing Officer for a violation of this Section, the hearing officer has discretion to uphold, modify or reduce a fine or penalty for the purpose of imposing a reasonable punishment under the circumstances. Fines issued under this section are collectible under the procedures found in Chapter 1, Article 6 for collection of penalties, notwithstanding contrary provisions found therein.

(k) Seizure of Equipment. For purposes of administering subsection (h), the Director may seize and hold a violators skateboard, inline skates, bicycle, or scooter at the time of issuing an administrative citation until an administrative hearing is held in front of the City Administrative Hearing Officer. Any time a violator's property is seized pursuant to this subsection, the Director shall provide the violator with a receipt and notice of a time and location for an automatic hearing in front of the City Administrative Hearing Officer no later than ten (10) days from

seizing the violator's property.

(l) Forfeited Equipment. After a hearing wherein the City Administrative Hearing Officer confirms the forfeiture, the Director shall deliver any skateboards, bicycles, inline skates, scooters forfeited to a non-profit charitable organization that serves youths or provides youth-activity programs.

(m) Postings. The city shall post signs at all skateboard parks, facilities and structures providing reasonable notice of the provisions of this section and the penalty for violations.

SECTION 4. Subsection (b) is added to Section 8-409 of the Fresno Municipal Code to read:

(b) "Director" shall mean the Director of the Department of Parks and Recreation and any of his/her agents, designees or representatives.

SECTION 5. This ordinance shall become effective and in full force and effect upon its adoption.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2003.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2003

Mayor Approval/No Return: \_\_\_\_\_, 2003

Mayor Veto: \_\_\_\_\_, 2003

Council Override Vote: \_\_\_\_\_, 2003

REBECCA E. KLISCH  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
Deputy

KCP:sz [24445sz/kcp.3]03/11/03